THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.28836 of 1995

Dated:03.07.2006

Between:

P.Narayana Rao.

…Petitioners

and

The Joint Collector, Mahaboobnagar, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.28836 of 1995

ORDER:

This writ petition is filed challenging the order of the first respondent in case No.B2/15/89, dated 29.11.1993. By the said order, the first respondent while accepting the appeal of the appellant therein under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Inams Abolition Act'), set aside the Occupancy Rights Certificate (ORC) issued by the second respondent herein in favour of the petitioner.

The fourth respondent pleaded before the first respondent that the land in Survey No.149 admeasuring Acs.7.38 guntas situated at Gajra Village, Vangoor Mandal, Mahabubnagar District, was in possession of his father as protected tenant. After the death of his father, the fourth respondent and his brother Venkat Rao continued in possession and therefore, the Additional Revenue Divisional Officer, Nagarkurnool, issued ownership certificate under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short 'the Tenancy Act'). Thereafter, the land was duly mutated making necessary changes in the revenue records. He alleged that the petitioner herein filed an application under Section 10 of the Inams Abolition Act for ORC, and the Revenue Divisional Officer, the second respondent herein, issued ORC by proceedings dated 08.02.1989, without notice to him. The first respondent having perused the document found that the Revenue Divisional Officer issued ORC without notice to the appellant in contravention of Rule 6(1) of the Andhra Pradesh (Telangana Area) Abolition of Inams Rules, 1975, and that the land having been shown in Khasra pahani for the year 1954-1955 as patta land, the provisions of Inams Abolition Act have no application. The first respondent also took into consideration the ownership certificate issued under Section 38-E of the Tenancy Act and allowed the appeal filed by the fourth respondent. The order of the first respondent as noticed hereinabove

is assailed in the Writ Petition.

It is contended by the learned Counsel for the petitioner that though the name of the fourth respondent was recorded as protected tenant, the same was not effected in the records and that he filed an application under Section 19 of the Tenancy Act relinquishing his tenancy rights. It is also contended that under the compromise memo, the fourth respondent surrendered his tenancy rights, and therefore, the order of the Joint Collector suffers from an error.

Except the copy of the impugned order, the petitioner has not placed before this Court any material in support of the contention that the fourth respondent surrendered his tenancy rights under compromise memo or relinquished the rights in the land. In that view of the matter, this Court does not find any merit in the submission, especially, when the same is the question of fact, which has already been finally determined by the Joint Collector.

The Writ Petition is devoid of any merit and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

03.07.2006
vs